



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 11, 2006

Honorable Peter F. Bergin, Chairman
Executive Departments and Administration Committee
New Hampshire House of Representatives
Room 306
Legislative Office Building
Concord, NH 03301

RE: House Bill 1456-FN, Relative to Licensure of Septic System Inspectors

Dear Representative Bergin:

Thank you for the opportunity to comment on HB 1456-FN, a bill to authorize the Department of Environmental Services (DES) to license septic system evaluators who perform inspections of existing septic systems at the time of property transfers. DES supports the bill in concept but also has a number of recommendations to ensure that this is ultimately a viable and sustainable program to achieve the program goals. Some background information is also provided below for your consideration.

In New Hampshire, the DES Subsurface Systems Bureau regulates septic systems. Subsurface System Bureau responsibilities currently include the following:

- Review of 10-12,000 applications for the subdivision of land and plans for individual septic systems.
- Inspection of all new septic systems installed in order to ensure strict compliance with the approved plans.
- Investigation of written complaints relative to situations where septic systems have failed.
- Implementation of the program for licensing both designers and installers of septic systems, including licensing and enforcement. No individual may submit an application nor install a septic system without first obtaining a license from this bureau. There are currently active 717 designers and 2,323 installers licensed in New Hampshire.

Both installers and designers of subsurface sewage disposal systems are licensed once they meet specific qualifications and pass an examination. Examinations are administered four times each year. The designer's examination consists of three written portions and a field test for soil interpretation. For installers, there is a written examination only. Both designers and installer's licenses must be renewed annually. These licensing programs have existed for well over 25 years.

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Septic system professionals in New Hampshire, both at DES and in the private sector, have long recognized the concern that HB 1456-FN seeks to address: that unqualified persons may conduct septic system evaluations and may be subjecting property owners and prospective property owners to costly/unnecessary septic system repairs or replacements and incorrect diagnosis, especially during real estate transactions when time is of the essence. In response, last year, in close association with the DES, the New Hampshire Granite State Designers and Installers Association (GSDI) developed a voluntary Certified Septic System Evaluation Program. This voluntary program establishes standard evaluation procedures for septic system professionals to produce objective evaluations and sets up minimum requirements to become certified. After a two-day course, candidates are subjected to both written and field exams and individuals who pass are certified.

HB 1456-FN would effectively require DES to formalize this existing voluntary program by developing a licensing program equivalent to those that already exist for designers and installers. Implementation of this program will require an expanded ability to provide training, testing, monitoring, and compliance activities for the licensed individuals, as well as the ability to process new licenses and the annual renewals. If anything, the current licensing programs are understaffed. Consequently, DES does not have the personnel available to take on these additional administrative tasks without additional staff resources. We estimate that one additional technical staff position would be required to manage this program and, ideally, a clerical position that could split time with the other two licensing programs, which are understaffed. The proposed license fee of \$40 would not generate the necessary funds to pay for these additional positions. Therefore, we will need to augment the department's budget to implement this program effectively. It should be noted that the Subsurface Systems Bureau currently generates in application and license fees more than \$500,000 a year in excess of its general fund operating budget. Consequently, it is possible that some of this additional revenue could be allocated to this program for this purpose.

Thank you again for the opportunity to comment in support of this important legislation. If you have any questions or need additional information, please do not hesitate to call William E. Evans, P.E. at 271-3304 or me at 271-3449.

Sincerely,



Michael P. Nolin
DES Commissioner

cc: Representative Richard Cooney